

# Daily Digest

## HIGHLIGHTS

Senate agreed to S. 812, Greater Access to Affordable Pharmaceuticals Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S7617–S7708*

**Measures Introduced:** Seven bills and three resolutions were introduced, as follows: S. 2827–2833, and S. Res. 312–314. (See next issue.)

#### Measures Reported:

S. 2132, to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, with an amendment in the nature of a substitute. (S. Rept. No. 107–229)

S. 2734, to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought, with an amendment in the nature of a substitute. (S. Rept. No. 107–230)

H.R. 486, for the relief of Barbara Makuch.

H.R. 487, for the relief of Eugene Makuch.

H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute.

S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures. (See next issue.)

#### Measures Passed:

*Greater Access to Affordable Pharmaceuticals Act:* By 78 yeas to 21 nays (Vote No. 201), Senate passed S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, after agreeing to the following amendment proposed thereto: **Pages S7618–51**

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada, as amended. (By unanimous consent,

the pending cloture motion on the amendment was withdrawn.) **Pages S7618–33**

During consideration of this measure today, Senate also took the following actions:

By 49 yeas to 50 nays (Vote No. 199), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to waive the Congressional Budget Act of 1974 with respect to Graham Amendment No. 4345 (to Amendment No. 4299), to amend title XVIII of the Social Security Act to provide protection for all Medicare beneficiaries against the cost of prescription drugs. Subsequently, the point of order that the amendment violates section 302(f) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S7618–33**

By 66 yeas to 33 nays (Vote No. 200), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S7633–34**

**Department of Defense Appropriations Act:** Senate began consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

**Pages S7656–S7705 (continued next issue)**

#### Adopted:

Inouye (for Allen) Amendment No. 4373, to make available from amounts available for the Air Force for research, development, test, and evaluation \$5,000,000 for the Variable Flow Ducted Rocket propulsion system (PE063216F). **Pages S7687–88**

Inouye (for Breaux) Amendment No. 4374, to set aside funding under RDT&E, Navy, for the Human Resource Enterprise Strategy at the Space and Naval Warfare Information Technology Center.

**Pages S7687–88**

Inouye (for Bennett) Amendment No. 4375, to set aside from amounts available from H.R. 4775 to settle the taking of property adjacent to the Army Tooele Depot, Utah. **Pages S7687-88**

Inouye (for Cleland) Amendment No. 4376, to make available from amounts available for Defense-Wide research, development, test, and evaluation, \$3,000,000 for execution of the ferrite diminishing manufacturing program by the Defense Micro-Electronics Activity. **Pages S7687-88**

Inouye (for Collins) Amendment No. 4377, to set aside from amounts available for the Navy for research, development, test, and evaluation, \$2,000,000 for Structural Reliability of FRP Composites (PE0602123N). **Pages S7687-88**

Inouye (for Conrad) Amendment No. 4378, to set aside from amounts available for the Army for research, development, test, and evaluation, \$5,000,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes managements system under that project. **Pages S7687-88**

Inouye (for Dayton) Amendment No. 4379, to make available from amounts available for the Army for operation and maintenance, \$3,700,000 for Live Fire Range Upgrades. **Pages S7687-88**

Inouye (for DeWine) Amendment No. 4380, to set aside funding under RDT&E, Army, for materials joining for Army weapon systems. **Pages S7687-88**

Inouye (for Ensign) Amendment No. 4381, to make available from amounts available to the Army for other procurement \$500,000 for PRC-117F SATCOM backpack radios. **Pages S7687-88**

Inouye (for Frist/Thompson) Amendment No. 4382, to make available from amounts available to the Army, up to \$5,000,000 may be used for Expandable Light Air Mobility Shelters (ELAMS). **Pages S7687-88**

Inouye (for Kyl) Amendment No. 4383, to set aside from amounts available for the Navy for research, development, test, and evaluation for Extended Range Anti-Air Warfare. **Pages S7687-88**

Inouye (for Santorum/Specter) Amendment No. 4384, to set aside from amounts available for the Army Reserve for operation and maintenance \$3,000,000 for Land Forces Readiness for Information Operations Sustainment. **Pages S7687-88**

Inouye (for Santorum/Specter) Amendment No. 4385, to set aside from amounts available for the Air Force for research, development, test, and evaluation \$1,000,000 for Space and Missile Operations for the Civil Reserve Space Service (CRSS) initiative. **Pages S7687-88**

Inouye (for Voinovich/DeWine) Amendment No. 4386, to set aside funding under RDT&E, Air Force,

for the Viable Combat Avionics Initiative of the Air Force. **Pages S7687-88**

Inouye (for Bingaman) Amendment No. 4400, to set aside from amounts available for the Air Force for research, development, test, and evaluation for Major T&E Investment (PE0604759F), \$2,500,000 for the Maglev upgrade program. **Pages S7688-89**

Inouye (for Dorgan) Amendment No. 4401, to provide funds for the Chameleon Miniaturized Wireless System. **Pages S7688-89**

Inouye (for Murray) Amendment No. 4402, to make available from amounts available for the Army for research, development, test, and evaluation, \$9,000,000 for continuing design and fabrication of the industrial short pulse laser development-femtosecond laser. **Pages S7688-89**

Inouye (for Reid) Amendment No. 4403, to make available from amounts available to the Navy for research, development, test, and evaluation \$4,000,000 for Marine Corps program wide support (PE0605873M) for chemical and biological consequence management for continuing biological and chemical decontamination technology research for the United States Marine Corps Systems Command on a biological decontamination technology that uses electro-chemically activated solution (ECASOL). **Pages S7688-89**

Stevens (for Warner) Amendment No. 4404, to require a preliminary engineering study and environmental analysis of establishing a connector road between United States Route 1 and Telegraph Road in the vicinity of Fort Belvoir, Virginia, and to earmark \$5,000,000 for the Army for operation and maintenance for that preliminary study and analysis. **Pages S7688-89**

Inouye (for Dodd) Amendment No. 4405, to make available from amounts available for the Army for research, development, test, and evaluation \$5,000,000 for research on miniature and micro fuel cell systems. **Pages S7688-89**

Stevens (for Nickles) Amendment No. 4406, to make available from amounts available for research, development, test, and evaluation, defense-wide \$3,000,000 for the Supercritical Water Systems Explosives Demilitarization Technology. **Pages S7688-89**

Stevens (for Roberts) Amendment No. 4407, to appropriate, with an offset, \$1,000,000 for research, analysis, and assessment of federal, state, and local efforts to counter potential agroterrorist attacks. **Pages S7688-89**

Inouye Amendment No. 4408, to make a technical correction to the supplemental appropriation for fiscal year 2002 (H.R. 4775). **Pages S7688-89**

Stevens (for Collins) Amendment No. 4409, to provide for the transition of the naval base on

Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park.

**Pages S7688–89**

Inouye (for Carper) Amendment No. 4410, to make available from amounts available for the Navy for research, development, test, and evaluation \$8,000,000 for the Integrated Biological Warfare Technology Platform.

**Pages S7688–89**

Inouye (for Biden) Amendment No. 4411, to make available from amounts available for the Army for research, development, test, and evaluation \$5,000,000 for the Rotary, Multi-Fuel, Auxiliary Power Unit.

**Pages S7688–89**

Reid (for Wellstone) Amendment No. 4412 (to Amendment No. 4364), of a perfecting nature.

**Pages S7690–S7700**

Subsequently, the adoption of the amendment was vitiated and the amendment was withdrawn.

**Page S7700**

Wellstone Amendment No. 4364, to prohibit the use of funds made available in this Act for payment on any new contract to any corporate expatriate.

**Pages S7686–87, S7689–S7700**

Inouye (for Akaka) Amendment No. 4422, to set aside \$6,000,000 of operation and maintenance, Navy, funds for Servicewide Communications for the Critical Infrastructure Protection Program.

**Pages S7700–02**

Inouye (for Clinton) Amendment No. 4423, to make available from amounts available for the Air Force for operation and maintenance \$500,000 for a contribution to the renovation of Hangar Building 101 at former Griffiss Air Force Base, New York, in order to facilitate the reuse of the building for economic development purposes.

**Pages S7700–02**

Stevens (for Inhofe) Amendment No. 4424, to make available from amounts available for Defense-Wide research, development, test, and evaluation \$8,000,000 for the Maintainers Remote Logistics Network.

**Pages S7700–02**

Inouye (for Feinstein) Amendment No. 4425, to make available from amounts available for the Navy for research, development, test, and evaluation \$5,000,000 for the Integrated Chemical Biological Warfare Agent Detector Chip.

**Pages S7700–02**

Stevens (for Hutchison) Amendment No. 4426, to make available from amounts available for Air Force research and development \$1,000,000 for research on nanoenergetic materials.

**Pages S7700–02**

Stevens (for Thompson/Frist) Amendment No. 4427, to make available from amounts available for the Army National Guard for operation and maintenance \$2,000,000 for the Communicator emergency notification system.

**Pages S7700–02**

Inouye (for Landrieu) Amendment No. 4428, to authorize a grant of \$5,000,000 to the National D-Day Museum.

**Pages S7700–02**

Inouye (for Nelson (FL)) Amendment No. 4429, to make available from amounts available for the Navy for research, development, test, and evaluation \$6,000,000 for the Center for Advanced Power Systems.

**Pages S7700–02**

Stevens (for Bunning) Amendment No. 4430, to allow the Department of Defense to obligate funds to secure its sensitive and classified materials to further enhance the national security of the United States.

**Pages S7700–02**

Inouye (for Kennedy) Amendment No. 4431, to make available from the National Defense Sealift Fund \$10,000,000 for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

**Pages S7700–02**

Inouye (for Carnahan) Amendment No. 4432, to set aside from amounts available for the Air National Guard for operation and maintenance \$350,000 for medical equipment.

**Pages S7700–02**

Stevens (for Smith (OR)) Amendment No. 4433, to make available from amounts available for the Navy for research, development, test, and evaluation \$8,000,000 for the Sealion Technology Demonstration program.

**Pages S7700–02**

Stevens (for Craig) Amendment No. 4434, to provide for standardized digitizing, conversion, indexing, and formatting of captured foreign documentary materials.

**Pages S7700–02**

Stevens (for Grassley) Amendment No. 4388, to provide for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor.

**Pages S7700–02**

Lugar Amendment No. 4435, to authorize the waiver of the prohibition on the use of Cooperative Threat Reduction funds for chemical weapons destruction.

**Pages S7702–05**

McCain Amendment No. 4443, to remove the waiting period in the limitation on use of funds for conversion of the 939th Combat Search and Rescue Wing.

**Page S7705**

McCain Amendment No. 4444, to prohibit the use of funds for leasing of transport/VIP aircraft under any contract not entered into pursuant to full and open competition.

**(See next issue.)**

Wellstone Amendment No. 4447, to set aside Defense-wide operation and maintenance funds for review and mitigation of domestic violence involving Department of Defense personnel.

**(See next issue.)**

Byrd/Grassley Amendment No. 4448, to provide certain requirements and limitations regarding the use of government purchase charge cards and government travel charge cards by Department of Defense personnel. (See next issue.)

Stevens (for Nickles) Amendment No. 4454, to make available from amounts available for the Air Force operations and maintenance \$2,000,000 for the Aircraft Repair Enhancement Program at the Oklahoma City Air Logistics Center. (See next issue.)

Inouye (for Miller) Amendment No. 4455, to make available from amounts available for the Navy for research, development, test, and evaluation, \$1,300,000 for Trouble Reports Information Data Warehouse. (See next issue.)

Stevens (for Snowe) Amendment No. 4456, to set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine. (See next issue.)

Inouye (for Nelson (FL)/Graham) Amendment No. 4457, to make available from amounts available for Defense-Wide research, development, test, and evaluation \$2,170,000 for the Nanophotonic Systems Fabrication Facility. (See next issue.)

Stevens (for Snowe/Sessions) Amendment No. 4458, to make available for Defense-Wide research, development, test, and evaluation \$5,000,000 for small kill vehicle technology development (PE0603175C) for mid-course phase ballistic missile defense. (See next issue.)

Stevens (for Warner) Amendment No. 4459, to make available \$10,000,000 for the Common Affordable Radar Processing program under Title IV, Research, Development, Test and Evaluation. (See next issue.)

Inouye (for Boxer) Amendment No. 4460, to provide additional resources to the Family Advocacy Program at the Department of Defense. (See next issue.)

Inouye (for Torricelli/Corzine) Amendment No. 4461, to make available from amounts available for the Navy for operation and maintenance \$2,500,000 for the disposal of materials dredged from Reach A at Earle Naval Weapons Station, New Jersey. (See next issue.)

Stevens Amendment No. 4462, to provide that the Commander in Chief of the U.S. European Command shall submit a plan to the congressional defense committees that provides for the refurbishment and re-engining of the NATO AWACS aircraft fleet. (See next issue.)

Inouye (for Hollings) Amendment No. 4463, to require the transfer of administrative jurisdiction over the portion of former Charleston Naval Base,

South Carolina, comprising a law enforcement training facility of the Department of Justice. (See next issue.)

Inouye (for Harkin) Amendment No. 4464, to make available from amounts available for the Defense Health Program for the Uniformed Services University of the Health Sciences Center (USUHS) \$2,000,000 for Complementary and Alternative Medicine Research for Military Operations and Healthcare (MILCAM). (See next issue.)

Stevens (for Allard) Amendment No. 4465, to set aside up to \$30,000,000 for the acquisition of commercial imagery, imagery products, and service from United States commercial sources of satellite-based remote sensing entities. (See next issue.)

Inouye (for Hutchinson) Amendment No. 4466, to set aside \$9,000,000 for RDT&E, Defense-wide, for a Department of Defense facility for the production of vaccines for protecting members of the Armed Forces against the effect of use of biological warfare agents. (See next issue.)

Pending:

McCain Amendment No. 4445, to require authorization of appropriations, as well as appropriations, for leasing of transport/VIP aircraft. (See next issue.)

Motion to table McCain Amendment No. 4445, listed above. (See next issue.)

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 2 p.m., on Thursday, August 1, 2002; that there be 50 minutes remaining for debate; that the only first degree amendments in order be McCain Amendment No. 4445, listed above, and the committee reported substitute; that there be 10 minutes of debate with respect to the McCain amendment, followed by a vote in relation to the amendment; that if the McCain amendment is not tabled, then relevant second degree amendments would be in order to the McCain amendment; that upon disposition of the McCain amendment, the Committee-reported substitute as amended, be agreed to, the bill then be read a third time, and the Senate then vote on passage of the bill; that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. (See next issue.)

**Homeland Security Act:** Senate began consideration of the motion to proceed to consideration of H.R. 5005, to establish the Department of Homeland Security. (See next issue.)

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote may occur on Friday, August 2, 2002. (See next issue.)

Subsequently, the motion to proceed was withdrawn. (See next issue.)

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany Treaty With Niue On Delimitation Of A Maritime Boundary (Treaty Doc. 105–53) (Ex. Rept. 107–5) (See next issue.)

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following protocol:

Protocol to Amend Convention for Unification of Certain Rules Relating to International Carriage by Air (Treaty Doc. No. 107–14).

The protocol was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. (See next issue.)

**Andean Trade Promotion and Drug Eradication Act Agreement Conference Report:** A unanimous-consent-time agreement was reached providing for further consideration of the conference report on H.R. 3009, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, at 9:30 a.m., on Thursday, August 1, 2002, and that at 10:30 a.m., the Senate vote on the motion to close further debate on the conference report. **Page S7705**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 64 yeas 35 nays (Vote No. 202), D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. **Pages S7651–56, S7706–08**

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1990.

Donald L. Kohn, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2002.

3 Air Force nominations in the rank of general.

8 Army nominations in the rank of general.

10 Marine Corps nominations in the rank of general.

10 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S7706–08**

**Nominations Received:** Senate received the following nominations:

Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund for a term of two years.

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Navy.

**Pages S7705–06**

**Executive Communications:** (See next issue.)

**Executive Reports of Committees:** (See next issue.)

**Additional Cosponsors:** (See next issue.)

**Statements on Introduced Bills/Resolutions:** (See next issue.)

**Additional Statements:** (See next issue.)

**Amendments Submitted:** (See next issue.)

**Notices of Hearings/Meetings:** (See next issue.)

**Authority for Committees to Meet:** (See next issue.)

**Privilege of the Floor:** (See next issue.)

**Record Votes:** Four record votes were taken today. (Total—202) **Pages S7633, S7634, S7651, S7656**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:27 p.m., until 9:30 a.m., on Thursday, August 1, 2002.

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Vinicio E. Madrigal, of Louisiana, L.D. Britt, of Virginia, Linda J. Stierle, of Maryland, and William C. De La Pena, of California, each to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences; John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board; Lt. Gen. James T. Hill, for appointment in the United States Army to the grade of General while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; Vice Adm. Edmund P. Giambastiani Jr., for appointment in the United States Navy to the grade of Admiral while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; and 4,694 nominations in the Army, Navy, Marine Corps, and Air Force.

### OPERATION ENDURING FREEDOM

*Committee on Armed Services:* Committee concluded open and closed hearings to examine the status of Operation Enduring Freedom in Afghanistan, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and Gen. Tommy R. Franks, USA,

Commander in Chief, United States Central Command.

## NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Ben S. Bernanke, of New Jersey, and Donald L. Kohn, of Virginia, each to be a Member of the Board of Governors of the Federal Reserve System.

## NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nomination of Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner, after the witness testified and answered questions in her own behalf.

## RAILROAD SHIPPER CONCERNS

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine railroad shipper issues, including progress since the implementation of the Staggers Rail Act (P.L. 96-448), after receiving testimony from Linda Morgan, Chairman, Surface Transportation Board, Department of Transportation; John W. Snow, CSX Corporation, Richmond, Virginia; Terry Huval, Lafayette Utilities System, Lafayette, Louisiana, on behalf of the American Public Power Association and Consumers United for Rail Equity; Mark W. Schwirtz, Arizona Electric Power Cooperative, Inc., Benson; Charles E. Platz, Basell North America, Inc., Wilmington, Delaware; Steve Strege, North Dakota Grain Dealers Association, Fargo; and Dennis Williams, Roseburg Forest Products Company, Roseburg, Oregon.

## BUSINESS MEETING

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land, with an amendment in the nature of a substitute;

S. 1028, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, with an amendment in the nature of a substitute;

S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, with amendments;

S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York, with an amendment in the nature of a substitute;

S. 1865, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Lower Los Angeles River and San Gabriel River watersheds in the State of California as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon,

S. 1943, to expand the boundary of the George Washington Birthplace National Monument, with an amendment;

S. 1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, with amendments;

S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project, with an amendment;

S. 2018, to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, with an amendment;

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, with an amendment in the nature of a substitute;

S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, with an amendment in the nature of a substitute;

S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road, with an amendment;

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System, with an amendment;

S. 2571, to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and

feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, with an amendment in the nature of a substitute;

S. 2598, to enhance the criminal penalties for illegal trafficking of archaeological resources, with an amendment in the nature of a substitute;

H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, with an amendment in the nature of a substitute;

H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska;

H.R. 107, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, with amendments;

H.R. 695, to establish the Oil Region National Heritage Area, with an amendment in the nature of a substitute (As approved by the committee, the substitute amendment incorporates provisions of S. 1526, S. 1925, S. 1939, S. 2033, S. 2196, and S. 2576.);

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico;

H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park;

H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas;

H.R. 1814, to amend the National Trails System Act to designate the Metacomb-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System;

H.R. 1870, to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada;

H.R. 1906, to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park;

H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System;

H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia

Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System;

H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington;

H.R. 2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; and

H.R. 3048, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

## WATER AND POWER

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded hearings on S. 1577/H.R. 2990, bills to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, S. 1882, to amend the Small Reclamation Projects Act of 1956, S. 934, to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and S. 2773, to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, after receiving testimony from Senators Baucus and Crapo; John W. Keys III, Commissioner, Bureau of Reclamation, and Charles G. Groat, Director, U.S. Geological Survey, both of the Department of the Interior; Dan Keil, North Central Montana Regional Water Authority, Conrad; Peter A. Scholle, New Mexico Bureau of Geology and Mineral Resources, Socorro, on behalf of the High Plains Aquifer Coalition; Mayor Martin J. Chavez, Albuquerque, New Mexico; Bruce Sunchild, Sr.,

Chippewa Cree Tribe of the Rocky Boy's Reservation, Box Elder, Montana; Jeff Raybould, Fremont-Madison Irrigation District, St. Anthony, Idaho; Peter Carlson, Will and Calson, Inc., Washington, D.C., on behalf of the Small Reclamation Program Act Coalition; and Wayne Halbert, Harlingen Irrigation District, Harlingen, Texas, on behalf of the Texas Water Conservation Association and Texas Irrigation Council.

### **SUPERFUND PROGRAM**

*Committee on Environment and Public Works:* Subcommittee on Superfund, Toxics, Risk, and Waste Management concluded oversight hearings to examine the Environmental Protection Agency Inspector General's Report on the Superfund Program, focusing on the clean-up of non Federal National Priority List sites, after receiving testimony from Senators Torricelli, and Bill Nelson; Nikki L. Tinsley, Inspector General, and Marianne Lamont Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, both of the Environmental Protection Agency.

### **IRAQ**

*Committee on Foreign Relations:* Committee held hearings to examine threats, responses, and regional considerations surrounding Iraq, receiving testimony from Gen. Joseph Hoar, USMC, (Ret.), Delmar, California, former Commander-in-Chief of U.S. Central Command; Lt. Gen. Thomas G. McInerney, USAF, (Ret.), Washington, D.C., former Assistant Vice Chief of Staff, U.S. Air Force; Richard Butler, New York, New York, and Morton Halperin, Washington, D.C., both of the Council on Foreign Relations; Khidhir Hamza, Council on Middle Eastern Affairs, New York, New York; Shibley Telhami, University of Maryland Department of Government and Politics, College Park; Anthony H. Cordesman and Charles Duelfer, both of the Center for Strategic and International Studies, Robert L. Gallucci, Georgetown University School of Foreign Service, Fouad Ajami, Johns Hopkins University School of Advanced International Studies, Geoffrey Kemp, Nixon Center, and Mark R. Parris, Baker, Donelson, Bearman, and Caldwell, all of Washington, D.C.

Hearings recessed subject to call.

### **WEIGHT-LOSS SUPPLEMENT SAFETY**

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine consumer safety and weight loss supplements, focusing on the extent of the use of supplements for weight loss purposes, the validity of claims currently being made for and against weight loss supplements, and the structure of the current

federal system of oversight and regulation for dietary supplements, after receiving testimony from Janet Heinrich, Director, Health Care—Public Health Issues, General Accounting Office; Joseph A. Levitt, Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration, and Michael F. Mangano, Principal Deputy Inspector General, Office of the Inspector General, both of the Department of Health and Human Services; Cynthia T. Culmo, Association of Food and Drug Officials, Austin, Texas; Steven B. Heymsfield, Columbia University College of Physicians and Surgeons, New York, New York, on behalf of the St. Luke's-Roosevelt Hospital Center New York Obesity Research Center; Michael McGuffin, American Herbal Products Association, Silver Spring, Maryland; and Karen Ruiz, San Clemente, California.

### **BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorable reported the following business items:

S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures;

H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute;

H.R. 486, for the relief of Barbara Makuch;

H.R. 487, for the relief of Eugene Makuch; and

The nominations of Timothy J. Corrigan, to be United States District Judge for the Middle District of Florida, Jose E. Martinez, to be United States District Judge for the Southern District of Florida, Terrence F. McVerry, to be United States District Judge for the Western District of Pennsylvania, Arthur J. Schwab, to be United States District Judge for the Western District of Pennsylvania, and J.B. Van Hollen, of Wisconsin, to be United States Attorney for the Western District of Wisconsin, Charles E. Beach, Sr., to be United States Marshal for the Southern District of Iowa, Peter A. Lawrence, to be United States Marshal for the Western District of New York, Richard Vaughn Mecum, to be United States Marshal for the Northern District of Georgia, and Burton Stallwood, to be United States Marshal for the District of Rhode Island, all of the Department of Justice.

### **CLASS ACTION LITIGATION**

*Committee on the Judiciary:* Committee held hearings to examine class action litigation issues, including the misuse of class actions to escape accountability, the expansion of federal courts' jurisdiction to hear class actions, and related provisions of S. 1712/H.R.



2341, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, receiving testimony from Lawrence H. Mirel, District of Columbia Department of Insurance and Securities Regulation, F. Paul Bland, Jr., Trial Lawyers for Public Justice, Walter E. Dellinger III, O'Melveny and Myers, and Thomas J. Henderson, Lawyers' Committee for Civil Rights Under Law, all of Washington, D.C.; Shaneen Wahl, Port Charlotte, Florida, on behalf of the Association of Trial Lawyers of America; and Hilda Bankston, Bankston Drug Store, Fayette, Mississippi.

Hearings recessed subject to call.

### PRISON RAPE REDUCTION

*Committee on the Judiciary:* Committee concluded hearings on S. 2619, to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, after receiving testimony from Representative Wolf; Mark Earley, Prison Fellowship Ministries, Reston, Virginia; Robert W. Dumond, Franklin Pierce College, Hudson,

New Hampshire, on behalf of Stop Prison Rape; Rabbi David Saperstein, Religious Action Center of Reform Judaism, Washington, D.C.; and Linda Bruntmyer, Amarillo, Texas.

### FOREIGN INTELLIGENCE SURVEILLANCE

*Select Committee on Intelligence:* Committee concluded hearings to examine S. 2586, to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, and S. 2659, to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion, after receiving testimony from Senator Schumer; James A. Baker, Counsel for Intelligence Policy, and Marion E. Bowman, Deputy General Counsel, Federal Bureau of Investigation, both of the Department of Justice; Frederic F. Manget, Deputy General Counsel, Central Intelligence Agency; and Jerry Berman, Center for Democracy and Technology, and Clifford S. Fishman, Catholic University of America Columbus School of Law, both of Washington, D.C.

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## House of Representatives

### Chamber Action

The House was not in session today. Pursuant to the provisions of S. Con. Res. 132, the House stands adjourned for the Summer District Work Period until 2 p.m. on Wednesday, September 4, 2002.

### Committee Meetings

No committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of July 25, 2002, p. D835)

H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws. Signed on July 30, 2002. (Public Law 107-204).

### COMMITTEE MEETINGS FOR THURSDAY, AUGUST 1, 2002

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* business meeting to mark up proposed legislation providing for agricultural disaster assistance, and to consider the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development, 9:30 a.m., SR-328A.

*Committee on Armed Services:* to resume open and closed (in Room SR-222) hearings to examine the implications of the Strategic Offensive Reductions Treaty (Treaty Doc. 107-8), 9 a.m., SD-106.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on International Trade and Finance, to hold oversight hearings to examine the role of charities and non-governmental organizations in the financing of terrorist activities, 2:30 p.m., SD-538.

*Committee on Finance:* to hold hearings on the nomination of Pamela F. Olson, of Virginia, to be an Assistant Secretary of the Treasury, 10 a.m., SD-215.

*Committee on Foreign Relations:* business meeting to consider the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”), adopted at Montreal on September 15–17, 1997, by the Ninth Meeting to the Parties to the Montreal Protocol (Treaty Doc. 106–10); the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”), adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (the “Beijing Amendment”) (Treaty Doc. 106–32); S. 2712, to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; S. Res. 309, expressing the sense of the Senate that Bosnia and Herzegovina should be congratulated on the 10th anniversary of its recognition by the United States; S. Con. Res. 122, expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots; H.R. 2121, to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media; H.R. 4558, to extend the Irish Peace Process Cultural and Training Program; and the nomination of Nancy J. Powell, of Iowa, to be Ambassador to the Islamic Republic of Pakistan, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine national security perspectives regarding Iraq, 10 a.m., SD–419.

Full Committee, to continue hearings to examine national security perspectives regarding Iraq, 2 p.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge

about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients; S. 2758, entitled “The Child Care and Development Block Grant Amendments Act”; S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; S. 2054, to amend the Public Health Service Act to establish a Nationwide Health Tracking Network; S. 2053, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program; S. 2246, to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools; S. 2549, to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; proposed legislation regarding the National Science Foundation Doubling Act; and the nominations of Edward J. Fitzmaurice, Jr., of Texas, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board, 11 a.m., SD–430.

*Committee on Indian Affairs:* business meeting to consider S. 1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers; S. 2017, to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; and S. 2711, to reauthorize and improve programs relating to Native Americans; to be followed by oversight hearings to examine the Secretary of the Interior’s Report on the Hoopa Yurok Settlement Act, 10 a.m., SR–485.

Full Committee, to hold oversight hearings to examine problems facing Native youth, 2 p.m., SR–485.

*Committee on the Judiciary:* to hold hearings on pending judicial nominations, 2 p.m., SD–226.

### House

No committee meetings were held.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, August 1

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m. on Wednesday, September 4

## Senate Chamber

**Program for Thursday:** Senate will resume consideration of the conference report on H.R. 3009, Andean Trade Promotion and Drug Eradication Act, with a vote on the motion to close further debate on the conference report to occur at approximately 10:30 a.m.

At 2 p.m., Senate will continue consideration of H.R. 5010, Department of Defense Appropriations Act.

## House Chamber

**Program for Wednesday:** To be announced.

*(Senate proceedings for today will be continued in the next issue of the Record.)*



## Congressional Record

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